Canada

The Canadian political system

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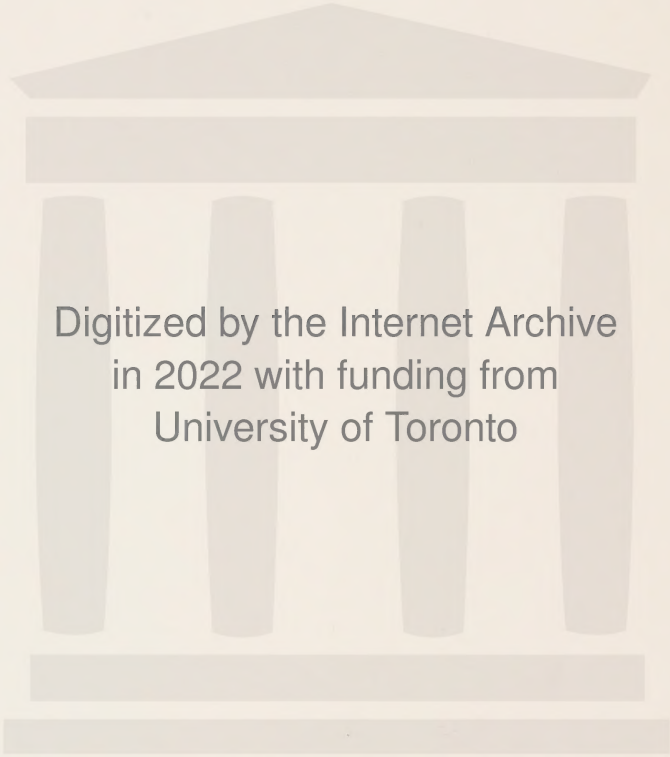

The Canadian political system

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Mr. Forsey, who was a member of the Canadian Senate from 1970 to 1979, is widely regarded as one of the foremost experts on the Canadian Constitution.

Table of contents

Introduction

Governments in democracies are elected by the passengers to steer the ship of the nation. They are expected to hold it on course, to arrange for a prosperous voyage, and to be prepared to be thrown overboard if they fail in either duty.

This, in fact, reflects the original sense of the word "government", as its roots in both Greek and Latin mean "to steer".

Canada is a democracy, a constitutional monarchy. Our head of state is the Queen of Canada, who is also Queen of Britain, Australia and New Zealand and a host of other countries scattered around the world from the Bahamas and Grenada to Papua-New Guinea and Tuvalu. Every act of government is done in the name of the Queen, but the authority for every act flows from the Canadian people. When the men who framed the basis of our present written Constitution, the Fathers of Confederation, were drafting it in 1867 they freely, deliberately and unanimously chose to vest the formal executive authority in the Queen, "to be administered according to the well understood principles of the British Constitution by the Sovereign personally or by the Representative of the Queen". That meant responsible government, with a Cabinet responsible to Parliament and Parliament answerable to the people. Except when the Queen is in Canada, all her powers are now exercised by her representative, the governor general. The governor general, who is now always a Canadian, is appointed by the Queen on the advice of the Canadian prime minister and, except in very extraordinary circumstances, exercises all powers of the office on the advice of the Cabinet (a council of ministers) which has the support of a majority of the members of the popularly-elected House of Commons.

Canada is not only an independent sovereign democracy, but is also a federal state, with ten largely self-governing provinces and two territories controlled by the central government.

What does it all mean? How does it work?

The answer is important to every citizen. . . . We cannot marry or educate our children, cannot be sick, born or buried without the hand of government somewhere intervening. Government gives us railways, roads and airlines, sets the conditions that affect farms and industries, manages or mismanages the life and growth of the cities. Government is held responsible for social problems, and for pollution and sick environments.

And government is our creature. We make it, we are ultimately responsible for it, and, taking the broad view, in Canada we have considerable reason to be proud of it. Pride, however, like patriotism, can never be a static thing; there are always new problems posing new challenges. The closer we are to government, and the more we know about it, the more we can do to help meet these challenges.

This publication takes a look at our system of government and how it operates.

Its origins

Nova Scotia (which, till 1784, included what is now New Brunswick) was the first part of Canada to secure representative government. In 1758, it was given an assembly, elected by the people. Prince Edward Island followed, in 1773, New Brunswick at its creation in 1784, Upper and Lower Canada (the predecessors of the present Ontario and Quebec) in 1791, Newfoundland in 1832. Nova Scotia was also the first part of Canada to win *responsible* government: government by a Cabinet answerable to, and removable by, a majority of the assembly (January 1848). New Brunswick followed in February, the Province of Canada (a merger of Upper and Lower Canada formed in 1840) in March, Prince Edward Island in 1851, and Newfoundland in 1855.

By the time of Confederation in 1867, therefore, this system had been operating in most of what is now central and eastern Canada for almost 20 years. The Fathers of Confederation simply continued the system they knew, the system that was already working, and working well.

For the nation, there was a Parliament, with a governor general representing the Queen, an appointed upper house, the Senate, and an elected lower house, the House of Commons. For every province there was a legislature, with a lieutenant-governor representing the Queen; for every province except Ontario, an appointed upper house, the legislative council, and an elected lower house, the legislative assembly. The new province of Manitoba, created by the national Parliament in 1870, was given an upper house. British Columbia, which entered Canada in 1871, and Saskatchewan and Alberta, created by Parliament in 1905, never had upper houses. Newfoundland, which entered Canada in 1949, came in without one. Manitoba, Prince Edward Island, New Brunswick, Nova Scotia and Quebec have all abolished their upper houses.

How it operates

The governor general and every lieutenant-governor governs through a Cabinet, headed by a prime minister or premier (the two terms mean the same thing). If a general election, national or provincial, gives a party opposed to the Cabinet in office a clear majority (that is, more than half the seats) in the

House of Commons or the assembly, then the Cabinet resigns, and the governor general or lieutenant-governor calls on the leader of the victorious party to become prime minister and form a new Cabinet. The prime minister chooses the other ministers, who are then formally appointed by the governor general or, in the provinces, the lieutenant-governor. If no party gets a clear majority, the Cabinet that was in office before and during the election has two choices. It can resign, in which case the governor general or lieutenant-governor will call on the leader of the largest opposition party to form a Cabinet. Or the Cabinet already in office can choose to stay in office and meet the newly-elected House—which, however, it must do promptly. In either case, it is the people's representatives in the newly-elected House who will decide whether the "minority" government (one whose own party has less than half the seats) shall stay in office or be thrown out.

If a Cabinet is defeated in the House of Commons on a motion of censure or want of confidence, the Cabinet must either resign (the governor general will then ask the leader of the Opposition to form a new Cabinet), or ask for a dissolution of Parliament and a fresh election.

In very exceptional circumstances, the governor general could refuse a request for a fresh election. For instance, if an election gave no party a clear majority and the prime minister asked for a fresh election without even allowing the new Parliament to meet, the governor general would have to say no. This is because, if "parliamentary government" is to mean anything, a newly-elected Parliament must at least be allowed to meet and see whether it can transact public business. Also, if a minority Cabinet is defeated on a motion of want of confidence very early in the first session of a new Parliament, and there is a reasonable possibility that a government of another party can be formed, and get the support of the House of Commons, then the governor general could refuse the request for a fresh election. The same is true for the lieutenant-governors of the provinces.

No elected person in Canada above the rank of mayor has a "term". Members of Parliament or of a provincial legislature are normally elected for not more than five years, but there can be, and have been, parliaments and legislatures that have lasted less than a year. The prime minister can ask for a fresh election at any time but, as we have just noted, there may be circumstances in which he would not get it. The Cabinet has no "term". Every Cabinet lasts from the moment the prime minister is sworn in till he resigns or dies. For example, Sir John A. Macdonald was prime minister from 1878 till he died in 1891, right through the elections of 1882, 1887 and 1891, all of which he won. Sir Wilfrid Laurier was prime minister from 1896 till 1911, right through the elections of 1900, 1904 and 1908, all of which he won. He resigned after being defeated in the election of 1911. The same thing has

happened in several provinces. An American president or state governor, re-elected, has to be sworn in all over again.* A Canadian prime minister or premier does not.

When a prime minister dies or resigns, the Cabinet comes to an end. If this prime minister's party still has a majority in the Commons or the assembly, then the governor general must find a new prime minister at once. A prime minister who resigns has no right to advise the governor as to his successor unless asked, and even then his advice need not be followed. If he resigns because he has been defeated, the governor calls on the leader of the Opposition to form a government. If the prime minister dies, or resigns for personal reasons, then the governor consults leading members of the majority party as to who will be most likely to be able to form a government that can command a majority in the House. He then calls on the person he has decided has the best chance. This new prime minister will, of course, hold office only until the majority party has, in a national or provincial convention, chosen a new leader, who will then be called on to form a government.

The Cabinet consists of a number of ministers. The national Cabinet now usually has 30 or more, and provincial Cabinets vary from about 10 to 26. Most of the ministers have "portfolios", that is, they are in charge of particular departments (Finance, External Affairs, Environment, Health and Welfare, etc.), and are responsible, answerable, accountable, to the House of Commons or the assembly for their particular departments. There are also, sometimes, ministers without portfolio, who are not in charge of any department; or ministers of state, who may be in charge of a particular section of a department, or of a "ministry", which is not a full-fledged department (for example, the Ministry of State for Science and Technology). The ministers collectively are answerable to the House of Commons or the assembly for the policy and conduct of the Cabinet as a whole. If a minister does not agree with a particular policy or action of the government, he must either accept the policy or action, and, if necessary, defend it, or resign from the Cabinet. This is known as "the collective responsibility of the Cabinet", and is a fundamental principle of our form of government.

The Cabinet is responsible for most legislation. It has the sole power to prepare and introduce tax legislation and legislation involving the expenditure of public money. These "money bills" must be introduced first in the House of Commons, and the House cannot *increase* either the tax or the expenditure. Money bills cannot be introduced in the Senate, and the Sen-

*The United States is a republic where the head of state (the president) and the head of government are one and the same. In Canada, a constitutional monarchy, the Queen (represented by the governor general) is head of state, and the prime minister is head of government.

ate cannot increase either a tax or an expenditure. However, any member of either house can move a motion to *decrease* a tax or an expenditure, and the house concerned can pass it, though this hardly ever happens.

A federal state

A federal state is one that brings together a number of different political communities with a common government for common purposes and separate "state" or "provincial" or "cantonal" governments for the particular purposes of each community. The United States of America, Canada, Australia and Switzerland are all federal states. Federalism combines unity with diversity. It provides, as Sir John A. Macdonald, Canada's first prime minister, said, "a general government and legislature for general purposes with local governments and legislatures for local purposes".

The word "confederation" is sometimes used to mean a league of independent states, like the United States from 1776 to 1789. But for our Fathers of Confederation, the term emphatically did not mean that. French-speaking and English-speaking alike, they said plainly and repeatedly that they were founding "a new nation", "a new political nationality", "a powerful nation, to take its place among the nations of the world", "a single great power".

They were very insistent on maintaining the identity, the special culture, and the special institutions of each of the federating provinces or colonies. Predominantly French-speaking and Roman Catholic, Canada East (Quebec) wanted to be free of the horrendous threat that an English-speaking and mainly Protestant majority would erode or destroy its rights to its language, its French-type civil law, and its distinctively religious system of education. Overwhelmingly English-speaking and mainly Protestant, Canada West (Ontario) was still smarting from the fact that Canada East members in the legislature of the united Province of Canada had thrust upon it a system of Roman Catholic separate schools that most of the Canada West members had voted against, and wanted to be free of what some of its leaders called "French domination". For their part, Nova Scotia and New Brunswick had no intention of being annexed or absorbed by the Province of Canada, of which they knew almost nothing and whose political instability and incessant "French-English" strife they distrusted.

On the other hand, all felt the necessity of union for protection against the threat of American invasion or American economic strangulation (for six months of the year, the Province of Canada was completely cut off from Britain, its main source of manufactured goods, except through American ports), and for economic growth and development. So the Fathers of Con-

federation were equally insistent on a real federation, a real "Union", as they repeatedly called it, not a league of states or of sovereign or semi-independent provinces.

The Fathers of Confederation were faced with the task of bringing together small, sparsely-populated communities scattered over immense distances. Not only were these communities separated by natural barriers that might well have seemed insurmountable, but they were also divided by deep divergences of economic interest, language, religion, law and education. Communications were poor and mainly with the world outside British North America.

To all these problems, they could find only one answer: federalism.

The provinces dared not remain separate, nor could they merge. They could, and did, form a federation, with a strong central government and Parliament, but also with an ample measure of autonomy and self-government for each of the federating communities.

Our Constitution

The *British North America (BNA) Act* was the instrument that brought the federation, the new nation, into existence. It was an act of the British Parliament. But, except for two small points, it is simply the statutory form of resolutions drawn up by delegates from what is now Canada. Not a single representative of the British government was present at the conferences that drew up those resolutions, or took the remotest part in them.

The two small points on which our Constitution is not entirely homemade are, first, the legal title of our country, "Dominion", and, second, the provisions for breaking a deadlock between the Senate and the House of Commons.

The Fathers of Confederation wanted to call the country "the Kingdom of Canada". The British government was afraid of offending the Americans so it insisted on the Fathers finding another title. They did, from Psalm 72: "He shall have dominion also from sea to sea, and from the river unto the ends of the earth." It seemed to fit the new nation like the paper on the wall. They explained to Queen Victoria that it was "intended to give dignity" to the Union, and "as a tribute to the monarchical principle, which they earnestly desire to uphold".

To meet a deadlock between the Senate and the House of Commons, the Fathers had made no provision. The British government insisted that they produce something. So they did: sections 26-28 of the act, which have never been used.

That the federation resolutions were brought into effect by an act of the British Parliament was the Fathers' deliberate choice. They could have chosen to follow the American example, and done so without violent revolution.

Sir John A. Macdonald, in the Confederation debates, made that perfectly clear. He said: "If the people of British North America after full deliberation had stated that it was for their interest, for the advantage of British North America to sever the tie (with Britain) I am sure that Her Majesty and the Imperial Parliament would have sanctioned that severance." But: "Not a single suggestion was made, that it could ... be for the interest of the colonies ... that there should be a severance of our connection ... There was a unanimous feeling of willingness to run all the hazards of war (with the United States) rather than lose the connection."

Hence, the only way to bring the federation into being was through a British act.

That act, the *British North America Act, 1867* (now renamed the *Constitution Act, 1867*) contained no provisions for its own amendment, except a limited power for the provinces to amend their own constitutions. All other amendments had to be made by a fresh act of the British Parliament.

At the end of the First World War, Canada signed the peace treaties as a distinct power, and became a founding member of the League of Nations and the International Labour Organization. In 1926, the Imperial Conference recognized Canada, Australia, New Zealand, South Africa, the Irish Free State and Newfoundland as "autonomous communities, in no way subordinate to the United Kingdom in any aspect of their domestic or external affairs". Canada had come of age.

This gave rise to a feeling that we should be able to amend our Constitution ourselves, without even the most formal intervention by the British Parliament. True, that Parliament always passed any amendment we asked for. But more and more Canadians felt this was not good enough. The whole process should take place here. The Constitution should be "patriated", brought home.

Attempts to bring this about began in 1927. Till 1981, they failed, not because of any British reluctance to make the change but because the federal and provincial governments could not agree on a generally acceptable method of amendment. Finally, after more than half a century of federal-provincial conferences and negotiations, the Senate and the House of Commons, with the approval of nine provincial governments, passed the necessary Joint Address asking for the final British act. This placed the whole process of amendment in Canada, and removed the last vestige of the British Parliament's power over our country.

The *Constitution Act, 1867*, remains the basic element of our written Constitution.

But the written Constitution, the strict law of the Constitution, even with the latest addition, the *Constitution Act, 1982*, is only part of our whole working Constitution, the set of arrangements by which we govern ourselves. It is the skeleton; it is not the whole body.

Responsible government, the national Cabinet, the bureaucracy, political parties; all these are basic features of our system of government. But the written Constitution does not contain one word about any of them (except for that phrase in the preamble to the act of 1867 about "a Constitution similar in principle to that of the United Kingdom)". The flesh, the muscles, the sinews, the nerves of our Constitution have been added by legislation (for example, the *Elections Acts*, federal and provincial, the *House of Commons Act*, the *Legislative Assembly Acts*, the *Public Service Acts*), by custom (the prime minister, the Cabinet, responsible government, political parties, federal-provincial conferences), by judgments of the courts (interpreting what the act of 1867 and its amendments mean), by agreements between the national and provincial governments.

If the written Constitution is silent on all these things, which are the living reality of our Constitution, what does it say? If it leaves out so much, what does it put in?

Before we answer that question, it is necessary to understand that our written Constitution, unlike the American, is not a single document. It is a collection of 24 documents: 13 acts of the British Parliament, seven of the Canadian, and four British orders-in-council.

The core of the collection is still the act of 1867. This, with the amendments added to it down to the end of 1981, did 12 things.

First, it created the federation, the provinces, the territories, the national Parliament, the provincial legislatures and some provincial cabinets.

Second, it gave the national Parliament power to create new provinces out of the territories, and also the power to change provincial boundaries with the consent of the provinces concerned.

Third, it set out the power of Parliament and of the provincial legislatures.

Fourth, it vested the formal executive power in the Queen, and created the Queen's Privy Council for Canada (the legal basis for the federal Cabinet).

Fifth, it gave Parliament power to set up a Supreme Court of Canada (which it did, in 1875).

Sixth, it guaranteed certain limited rights equally to the English and French languages in the federal Parliament and courts and in the legislatures and courts of Quebec and Manitoba.

Seventh, it guaranteed separate schools for the Protestant and Roman Catholic minorities in Quebec and Ontario. It also guaranteed separate schools in any other province where they existed by law in 1867, or were set up by any provincial law after 1867. There were special provisions for Manitoba (created in 1870), which proved ineffective; more limited guarantees for Alberta and Saskatchewan (created in 1905); and for Newfoundland (which came into Confederation in 1949) a guarantee of separate schools for a variety of Christian denominations.

Eighth, it guaranteed Quebec's distinctive civil law.

Ninth, it gave Parliament power to assume the jurisdiction over property and civil rights, or any part of such jurisdiction, in the other provinces, provided the provincial legislatures consented. This power has never been used.

Tenth, it prohibited provincial tariffs.

Eleventh, it gave the provincial legislatures the power to amend the provincial constitutions, except as regards the office of lieutenant-governor.

Twelfth, it gave the national government (the governor general-in-council, that is, the federal Cabinet) certain controls over the provinces; appointment, instruction and dismissal of lieutenant-governors (two have been dismissed); disallowance of provincial acts within one year after their passing (112 have been disallowed—the last in 1943—from every province except Prince Edward Island and Newfoundland); power of lieutenant-governors to send provincial bills to Ottawa, unassented to (in which case they do not go into effect unless the central executive assents within one year; of 70 such bills, the last in 1961, from every province but Newfoundland, only 14 have gone into effect).

These are the main things the written Constitution did as it stood at the end of 1981. They provided the legal framework within which we could, and did, adapt, adjust, manœuvre, innovate, compromise, arrange, by what Prime Minister Sir Robert Borden called "the exercise of the commonplace quality of common sense".

The final British act of 1982, the *Canada Act*, as we have seen, provided for the termination of the British Parliament's power over Canada and for the "patriation" of our Constitution. Under the terms of the *Canada Act*, the *Constitution Act, 1982* was proclaimed in Canada and "patriation" was achieved.

Under the *Constitution Act, 1982,* the *British North America Act* and its various amendments (1871, 1886, 1907, 1915, 1930, 1940, 1960, 1964, 1965, 1974, 1975) became the *Constitution Acts, 1867-1975.*

More important, it made four big changes in our Constitution.

First, it established four legal formulas or processes for amending the Constitution. Till 1982, there had never been any legal amending formula

(except for a narrowly limited power given to the national Parliament in 1949, a power now superseded).

The first formula covers amendments dealing with the office of the Queen, the governor general, the lieutenant-governors, the right of a province to at least as many seats in the House of Commons as it has in the Senate, the use of the English and French languages (except amendments applying only to a single province), the composition of the Supreme Court of Canada, and amendments to the amending formulas themselves.

Amendments of this kind must be passed by the Senate and the House of Commons (or by the Commons alone, if the Senate has not approved the proposal within 180 days after the Commons has done so), and by the legislature of every province. This gives every single province a veto.

The second formula covers amendments taking away any rights, powers or privileges of provincial governments or legislatures; dealing with the proportionate representation of the provinces in the House of Commons; the powers of the Senate and the method of selecting senators; the number of senators for each province, and their residence qualifications; the constitutional position of the Supreme Court of Canada (except its composition, which comes under the first formula); the extension of existing provinces into the territories; the creation of new provinces; generally, the Canadian Charter of Rights and Freedoms (which is dealt with later).

Such amendments must be passed by the Senate and the House of Commons (or, again the Commons alone if the Senate delays more than 180 days), and by the legislatures of two-thirds of the provinces with at least half the total population of all the provinces (that is, the total population of Canada excluding the territories). This means that any four provinces taken together (for example, the four Atlantic provinces, or the four Western) could veto any such amendments. So could Ontario and Quebec taken together. The seven provinces needed to pass any amendment would have to include either Quebec or Ontario.

Any province can, by resolution of its legislature, opt out of any amendment passed under this formula that takes away any of its powers, rights or privileges; and if the amendment it opts out of transfers powers over education or other cultural matters to the national Parliament, Parliament must pay the province "reasonable compensation".

The third formula covers amendments dealing with matters that apply only to one province, or to several but not all provinces. Such amendments must be passed by the Senate and the House of Commons (or the Commons alone, if the Senate delays more than 180 days), and by the legislature or legislatures of the particular province or provinces concerned. Such amendments include any changes in provincial boundaries, or changes relat-

ing to the use of the English or French language in a particular province, or provinces.

The fourth formula covers changes in the executive government of Canada or in the Senate and House of Commons (other than those covered by the first two formulas). These amendments can be made by an ordinary act of the Parliament of Canada.

The second big change made by the *Constitution Act, 1982*, is that the first three amending formulas "entrench" certain parts of the written Constitution; that is, place them beyond the power of Parliament or any provincial legislature to touch.

For example, the monarchy cannot now be touched except with the unanimous consent of the provinces. Nor can the governor generalship, nor the lieutenant-governorships, nor the composition of the Supreme Court of Canada (nine justices, of whom three must be from Quebec; all of them appointed by the federal government and removable only by Address of the Senate and the House of Commons), nor the right of a province to at least as many members of the Commons as it has senators, nor the amending formulas themselves. On all of these, any single province can impose a veto. Matters coming under the second formula can be changed only with the consent of seven provinces with at least half the population of the ten.

The guarantees for the English and French languages in New Brunswick, Quebec and Manitoba cannot be changed except with the consent both of the provincial legislatures concerned and the Senate and House of Commons (or the Commons alone, under the 180-day provision). The guarantees for denominational schools in Newfoundland cannot be changed except with the consent of the legislature of Newfoundland; nor can the Labrador boundary.

The amending process under the first three formulas can be initiated by the Senate, or the House of Commons, or a provincial legislature. The ordinary act of Parliament required by the fourth formula can, of course, be initiated by either house.

Third, the new *Constitution Act* sets out a Charter of Rights and Freedoms that neither Parliament nor any provincial legislature acting alone can change. Any such changes come under the second formula (or, where they apply only to one or more, but not all, provinces, the third formula).

The rights and freedoms guaranteed are:

(1) Democratic rights (for example, the right of every citizen to vote for the House of Commons and the provincial legislative assembly, and the right to elections at least every five years, though in time of real or apprehended war, invasion or insurrection, the life of a federal or provin-

cial house may be prolonged by a two-thirds vote of the Commons or legislative assembly).

(2) Fundamental freedoms (conscience, thought, speech, peaceful assembly, association).

(3) Mobility rights (to enter, remain in, or leave Canada, and to move into, and earn a living in, any province subject to certain limitations, notably to provide for "affirmative action" programs for the socially or economically disadvantaged).

(4) Legal rights (a long list, including such things as the right to a fair, reasonably prompt, public trial by an impartial court).

(5) Equality rights (no discrimination on grounds of race, national or ethnic origin, religion, sex, age or mental or physical disability; again, with provision for "affirmative action" programs).

(6) Official language rights.

(7) Minority language education rights.

All these rights are "subject to such reasonable limits as can be demonstrably justified in a free and democratic society". What these limits might be, the courts will decide.

The equality rights come into force three years after the time of patriation. (This is to give time for revision of the multitude of laws, federal and provincial, which may require amendment or repeal.)

The fundamental, legal and equality rights in the Charter are subject to a "notwithstanding" clause. This allows Parliament, or a provincial legislature, to pass a law violating any of these rights (except the equality right that prohibits discrimination based on sex) simply by inserting in such law a declaration that it shall operate notwithstanding the fact that it is contrary to this or that provision of the Charter. Any such law can last only five years. But it can be re-enacted for further periods of five years. Any such legislation must apply equally to men and women.

The official language rights make English and French the official languages of Canada for all the institutions of the government and Parliament of Canada and of the New Brunswick government and legislature. Everyone has the right to use either language in Parliament and the New Brunswick legislature. The acts of Parliament and the New Brunswick legislature, and the records and journals of both bodies must be in both languages. Either language may be used in any pleading or process in the federal and New Brunswick courts. Any member of the public has the right to communicate with the government and Parliament of Canada, and the government and legislature of New Brunswick, and to receive available services, in either language where there is "a sufficient demand" for the use of English or French or where the nature of the office makes it reasonable. The Charter confirms

the existing constitutional guarantees for English and French in the legislatures and courts of Quebec and Manitoba.

The minority language education rights are twofold.

(1) In every province, citizens of Canada with any child who has received or is receiving primary or secondary schooling in English or French have the right to have all their children receive their schooling in the same language, in minority language educational facilities provided out of public funds, where the number of children "so warrants". Also, citizens who have received their own primary schooling in Canada in English or French, and reside in a province where that language is the language of the English or French linguistic minority, have the right to have their children receive their primary and secondary schooling in the language concerned, where numbers so warrant.

(2) In every province except Quebec, citizens whose mother tongue is that of the English or French linguistic minority have the right to have their children receive their primary and secondary schooling in the language concerned, where numbers so warrant. This right will be extended to Quebec only if the legislature or government of Quebec consents.

Anyone whose rights and freedoms under the Charter have been infringed or denied can apply to a court of competent jurisdiction "to obtain such remedy as the court considers appropriate and just". If the court decides that any evidence was obtained in a manner that infringed or denied rights and freedoms guaranteed under the Charter, it must exclude such evidence "if it is established that ... the admission of it ... would bring the administration of justice into disrepute".

The Charter (except for the language provisions for New Brunswick, which can be amended by joint action of Parliament and the provincial legislature) can be amended only with the consent of seven provinces with at least half the total population of the ten.

The Charter is careful to say that the guarantees it gives to certain rights and freedoms are "not to be construed as denying the existence of any other rights or freedoms that exist in Canada". It declares also that nothing in it "abrogates or derogates from any rights or privileges guaranteed by or under the Constitution of Canada in respect of denominational, separate or dissentient schools". These are, and remain, entrenched.

Before the Charter was added, our written Constitution entrenched certain rights of the English and French languages, the Quebec civil law, certain rights to denominational schools, and free trade among the provinces. Apart from these, Parliament and the provincial legislatures could pass any laws they saw fit, provided they did not jump the fence into each other's gardens". As long as Parliament did not try to legislate on subjects that belonged to provincial legislatures, and provincial legislatures did not try to

legislate on subjects that belonged to Parliament, Parliament and the legislatures were "sovereign" within their respective fields. There were no legal limits on what they could do (though of course provincial laws could be disallowed by the federal Cabinet within one year). The only ground on which the courts could declare either a federal or a provincial law unconstitutional (that is, null and void) was that it intruded into the jurisdictional territory of the other order of government (or, of course, had violated one of the four entrenched rights).

The Charter has radically changed the situation. Parliament and the legislatures will, of course, still not be allowed to jump the fence into each other's gardens. But both federal and provincial laws can now be challenged, and thrown out by the courts, on the ground that they violate the Charter. This is something the Americans, with their Bill of Rights entrenched in their Constitution, have been familiar with for almost 200 years. For us, it is almost completely new, indeed revolutionary.

The fourth big change made by the *Constitution Act, 1982*, gives the provinces wider powers over their natural resources. Each province will now be able to control the export, to any other part of Canada, of the primary production from its mines, oil wells, gas wells, forests and electric power plants, provided it does not discriminate against other parts of Canada in prices or supplies. But the national Parliament will still be able to legislate on these matters, and if provincial and federal laws conflict, the federal will prevail. The provinces will also be able to levy indirect taxes on their mines, oil wells, gas wells, forests and electric power plants and primary production from these sources. But such taxes must be the same for products exported to other parts of Canada and products not so exported.

All these changes, especially the amending formulas and the Charter, are immensely important. But they leave the main structure of government, and almost the whole of the division of powers between the national Parliament and the provincial legislatures, just what they were before.

Incidentally, they leave the provincial legislatures their power to confiscate the property of any individual or corporation and give it to someone else, with not a penny of compensation to the original owner. In two cases, Ontario and Nova Scotia did just that, and the Ontario Court of Appeal ruled: "The prohibition 'Thou shalt not steal' has no legal force upon the sovereign body. And there would be no necessity for compensation to be given." The Charter does not change this. The only security against it is the federal power of disallowance (exercised in the Nova Scotia case) and the fact that today very few legislatures would dare to try it, save in most extraordinary circumstances: the members who voted for it would be too much afraid of being defeated in the next election.

The *Constitution Act, 1982,* makes other changes, and one of these looks very significant indeed, although how much it will really mean remains to be seen. The *BNA Act, 1867*, gave the national Parliament exclusive authority over "Indians, and lands reserved for the Indians", and the courts have ruled that "Indians" includes the Inuit. Till 1982, that was all the Constitution said about the native peoples.

The Constitution now has three provisions on the subject.

First, it says that the Charter's guarantee of certain rights and freedoms "shall not be construed so as to abrogate or derogate from any aboriginal, treaty or other rights or freedoms that pertain to the aboriginal peoples of Canada", including rights or freedoms recognized by the Royal Proclamation of 1763, and any rights or freedoms acquired by way of land claims settlement.

Second: "The existing aboriginal and treaty rights of the aboriginal peoples of Canada are hereby recognized and affirmed", and the aboriginal peoples are defined as including the Indian, Inuit and Métis peoples.

Third, the prime minister of Canada is to convene, within one year, a constitutional conference of first ministers of the provinces, which will have as one item on its agenda "constitutional matters directly affecting the aboriginal peoples ... including the identification and definition" of their rights "to be included in the Constitution of Canada", and the prime minister is to "invite representatives of those peoples to participate in the discussions on that item".

The *Constitution Act, 1982*, also contains a section on equalization and regional disparities. This proclaims: (1) that the national government and Parliament and the provincial governments and legislatures "are committed to promoting equal opportunities for the well-being of Canadians, furthering economic development to reduce disparities in opportunities, and providing essential public services of reasonable quality to all Canadians"; and (2) that the government and Parliament of Canada "are committed to the principle of making equalization payments to ensure that provincial governments have sufficient revenues to provide reasonably comparable levels of public services at reasonably comparable levels of taxation".

The 1982 act also provides that the guarantees for the English and French languages do not abrogate or derogate from any legal or customary right or privilege enjoyed by any other language, and that the Charter shall be interpreted "in a manner consistent with the preservation and enchancement of the multicultural heritage of Canada".

Finally, the act provides for English and French versions of the whole written Constitution, from the act of 1867 to the act of 1982, and makes both versions equally authoritative.

Powers of the national and provincial governments

The national Parliament has power "to make laws for the peace, order and good government of Canada", except for "subjects assigned exclusively to the legislatures of the provinces". The provincial legislatures have power over direct taxation in the province for purposes, natural resources, prisons (except penitentiaries), charitable institutions, hospitals (except marine hospitals), municipal institutions, licences for provincial and municipal revenue purposes, local works and undertakings (with certain exceptions), incorporation of provincial companies, solemnization of marriage, property and civil rights in the province, the creation of courts and the administration of justice, fines and penalties for breaking provincial laws, matters of merely local or private nature in the province, and education (subject to certain rights of the Protestant and Roman Catholic minorities in any province, and of particular denominations in Newfoundland).

Subject to the limitations imposed by the *Constitution Act, 1982*, the provinces can amend their own constitutions by an ordinary act of the legislature. They cannot touch the office of lieutenant-governor; they cannot restrict the franchise or qualifications for members of the assemblies or prolong the lives of their legislatures except as provided for in the Charter of Rights and Freedoms.

Of course the power to amend provincial constitutions is restricted to changes in the internal machinery of the provincial government. Provincial legislatures are limited to those powers explicitly given to them by the written Constitution. So no provincial legislature can take over powers belonging to the Parliament of Canada. Nor could any provincial legislature pass an act taking the province out of Canada. No such power is to be found in the written Constitution, so no such power exists.

Similarly, of course, Parliament cannot take over any power of a provincial legislature, nor could Parliament expel any province from the federation.

Parliament and the provincial legislatures both have power over agriculture, immigration and over certain aspects of natural resources; but if their laws conflict, the national law prevails.

Parliament and the provincial legislatures also have power over old age, disability and survivors' pensions; but if their laws conflict, the provincial power prevails.

By virtue of the *Constitution Act, 1867*, everything not mentioned as belonging to the provincial legislatures comes under the national Parliament.

This looks like an immensely wide power. It is not, in fact, as wide as it looks, because the courts have interpreted the provincial powers, especially "property and civil rights", as covering a very wide field. As a result, all labour legislation (maximum hours, minimum wages, safety, workmen's

compensation, industrial relations) comes under provincial law, except for certain industries such as banking, broadcasting, air navigation, atomic energy, shipping, interprovincial and international railways, telephones, telegraphs, pipelines, grain elevators, enterprises owned by the national government, and works declared by Parliament to be for the general advantage of Canada or of two or more of the provinces. Social security (except for unemployment insurance, which is purely national, and the shared power over pensions) comes under the provinces. However, the national Parliament has in, effect, established nation-wide systems of hospital insurance and medical care by making grants to the provinces (or, for Quebec, yielding some of its field to taxes) on condition that their plans reach certain standards.

The courts' interpretation of provincial and national powers has put broadcasting and air navigation under Parliament's general power to make laws for the "peace, order and good government of Canada", but otherwise has reduced it to not much more than an emergency power, for wartime, or grave national crises like nation-wide famine or epidemics, or massive inflation, though some recent cases go beyond this.

However, the Fathers of Confederation, not content with giving Parliament what they thought an ample general power, added, "for greater certainty", a long list of examples of exclusive national powers: taxation, direct and indirect; regulation of trade and commerce (the courts have interpreted this to mean interprovincial and international trade and commerce); "the public debt and property" (this enables Parliament to make grants to individuals—such as family allowances—or to provinces: hospital insurance and medicare, higher education, public assistance to the needy, and equalization grants to bring the standards of health, education and general welfare in the poorer provinces up to an average national standard); the Post Office; the census and statistics; defence; beacons, buoys, ligthouses and Sable Island;* navigation and shipping; quarantine; marine hospitals; the fisheries; interprovincial and international ferries, shipping, railways, telegraphs, and other such international or interprovincial "works and undertakings"—which the courts have interpreted to cover pipelines and telephones; money and banking; interest; bills of exchange and promissory notes; bankruptcy; weights and measures; patents; copyrights; Indians and Indian lands (the courts have interpreted this to cover Inuit as well); naturalization and aliens;

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*The Fathers of Confederation evidently felt that Sable Island, "the graveyard of the Atlantic", was such a menace to shipping that it must be under the absolute control of the national government, just like lighthouses. So they placed it under the exclusive legislative jurisdiction of the national Parliament (by section 91, head 9, of the act of 1867). They also (by the third schedule of that act) transferred the actual ownership from the Province of Nova Scotia to the Dominion of Canada, just as they did with the Nova Scotia lighthouses.

the criminal law and procedure in criminal cases; the general law of marriage and divorce; local works declared by Parliament to be "for the general advantage of Canada or of two or more of the provinces" (this has been used many times, notably to bring atomic energy national jurisdiction). A 1940 constitutional amendment gave Parliament exclusive power over unemployment insurance and a specific section of the act of 1867 gives it power to establish courts "for the better administration of the laws of Canada". This has enabled Parliament to set up the Supreme Court of Canada and the Federal Court.

As already noted, the national Parliament can amend the Constitution in relation to the executive government of Canada and the Senate and the House of Commons, except that it cannot touch the office of the Queen or the governor general, nor those aspects of the Senate and the Supreme Court of Canada entrenched by the amending formulas.

Though Parliament cannot transfer any of its powers to a provincial legislature, nor a provincial legislature any of its powers to Parliament, Parliament can delegate the administration of a federal act to provincial agencies (as it has done with the regulation of interprovincial and international highway traffic); and a provincial legislature can delegate the administration of a provincial act to a federal agency. This "administrative delegation" is an important aspect of the flexibility of our Constitution.

* * *

The rule of law and the courts

Responsible government and federalism are two cornerstones of our system of government. There is a third, without which neither of the first two would be safe: the rule of law.

What does the rule of law mean?

It means that everyone is subject to the law; that no one, no matter how important or powerful, is above the law: not the government; not the prime minister, or any other minister; not the Queen or the governor general or any lieutenant-governor; not the most powerful bureaucrat; not the armed forces; not Parliament itself, or any provincial legislature. None of these has any powers except what are given to it by law: by the *BNA Act* or its amendments; by a law passed by Parliament or a provincial legislature; or by the Common Law of England, which we inherited, and which, though enormously modified, added to, and subtracted from by our own Parliament or provincial legislatures, remains the basis of our constitutional law, our criminal law, and the civil law (property and civil rights) of the whole country except Quebec.

If anyone were above the law, none of our liberties would be safe.

What keeps the various authorities from rising above the law, doing things the law forbids, exercising powers the law has not given them?

The courts. If they try anything of the sort, they will be brought up short by the courts.

But what's to prevent them from bending the courts to their will?

The great principle of the independence of the judiciary, which is even older than responsible government. Responsible government goes back only about 200 years. The independence of the judiciary goes back almost 300 years to the *English Act of Settlement of 1701,* which resulted from the English Revolution of 1688. That act provided that the judges, though appointed by the King (nowadays, of course, on the advice of a responsible Cabinet) could be removed only if both houses of Parliament, by a formal Address to the Crown, asked for their removal. If a judge gave a decision the government disliked, it could not touch him, unless both houses agreed. In the almost three centuries that have followed, only one judge in the United Kingdom has been so removed, and none since 1830.

The Constitution provides that almost all our courts shall be provincial, that is, created by the provincial legislatures. But it also provides that the

judges of all these courts from county courts up (except courts of probate in Nova Scotia and New Brunswick) shall be appointed by the federal government. What is more, it provides that judges of the provincial "superior courts" (the Superior Court of Quebec, the supreme courts of the other provinces, and all the provincial courts of appeal) shall be removable only on address to the governor general by both Houses of Parliament. The acts setting up the Supreme Court of Canada and the Federal Court have the same provision. No judge of any Canadian superior court has ever been so removed. All of them are perfectly safe in their positions, no matter how much the government may dislike any of their decisions. The independence of the judiciary is even more important in Canada than in Britain, because in Canada the Supreme Court interprets the written Constitution, and so defines the limits of federal and provincial powers.

With the inclusion of the Charter of Rights and Freedoms, the role of the courts will become even more important, since they will have the tasks of enforcing the rights and of making the freedoms effective.

Judges of the country courts can be removed only if one or more judges of the Supreme Court of Canada, or the Federal Court, or any provincial superior court, after inquiry, report that they have been guilty of misbehaviour, or have shown inability or incapacity to perform their duties.

The Supreme Court of Canada, established by an act of the national Parliament in 1875, consists of nine judges, three of whom must come from the Quebec Bar. The judges are appointed by the governor general on the advice of the national Cabinet, and hold office till they reach 75. The Supreme Court has the final decision not only on constitutional questions but also on defined classes of important cases of civil and criminal law. It deals also with appeals from decisions of the provincial courts of appeal.

By the *Constitution Act, 1867*, "the executive government of and over Canada is declared to continue and be vested in the Queen." She acts, ordinarily through the governor general, whom she appoints, on the advice of the Canadian prime minister. The governor general normally holds office for five years, though the tenure may be extended for a year or so.

Parliament consists of the Queen, the Senate and the House of Commons.

The Queen

The Queen is the formal head of the Canadian state. She is represented federally by the governor general, provincially by the lieutenant-governors. Federal acts begin: "Her Majesty, by and with the advice and consent of the Senate and the House of Commons, enacts as follows"; provincial acts begin with similar words. Parliament (or the provincial legislature) meets only at the royal summons: no House of Parliament (or legislature) is equipped with a self-starter. No bill, federal or provincial becomes law without royal assent. The monarch has, on occasion, given the assent personally to federal acts, but ordinarily the assent is given by the governor general or his deputy, and to provincial acts invariably by the lieutenant-governor.

The governor general and the lieutenant-governors have the right to be consulted by their ministers, and the right to encourage or warn them. But they almost invariably must act on their ministers' advice, though there may be very rare occasions when they must, or may, act without advice or even against the advice of the ministers in office.

The Senate

The Senate has 104 members: 24 from the Maritime provinces (ten from Nova Scotia, ten from New Brunswick, four from Prince Edward Island); 24 from Quebec; 24 from Ontario; 24 from the Western provinces (six each from Manitoba, Saskatchewan, Alberta and British Columbia); six from Newfoundland; and one each from the Yukon Territory and the Northwest Territories. There is provision also for four or eight extra senators, one—or two—from the Maritime provinces, from Quebec, from Ontario and from the West; but this has never been used.

The senators are appointed by the prime minister. They hold office till age 75 unless they miss two consecutive sessions of Parliament. Till 1965, they held office for life, and the few remaining senators appointed before that date retain their seats. Senators must be at least 30 years old, and must have real estate worth $4 000 net, and total net assets of at least $4 000. They must reside in the province or territory for which they are appointed: in Quebec, they must reside, or have their property qualification, in the particular one of Quebec's 24 senatorial districts for which they are appointed.

The Senate can initiate any bills except money bills. It can amend, or reject, any bill whatsoever. It can reject any bill as often as it sees fit. No bill can become law unless it has been passed by the Senate.

In theory these powers are formidable. But the Senate has not rejected a bill for over 40 years, and it very rarely makes any amendment that touches the principle of a bill. The many amendments it does make are almost always clarifying, simplifying, tidying-up amendments, and are almost always accepted by the House of Commons. The Senate's main work is done in its committees, where it goes over bills clause by clause, and hears evidence, often voluminous, from groups and individuals who would be affected by the particular bill under review. This committee work is especially effective because the Senate has many members with specialized knowledge and long years of legal, business or administrative experience. There are ex-ministers, ex-premiers of provinces, ex-mayors, eminent lawyers and experienced farmers.

In recent decades, the Senate has taken on a new job: investigating important public problems such as poverty, unemployment, inflation, the aging, land use, science policy, Indian affairs, relations with the United States, and the efficiency (or lack of it) of government departments. These investigations have produced valuable reports, which have often led to changes in legislation or government policy. The Senate usually does this kind of work far more cheaply than royal commissions or task forces, because its members are paid already and it has a permanent staff at its disposal.

The House of Commons

The House of Commons is the major law-making body. It has 282 members, one from each of 282 constituencies. In each constituency, or riding, the candidate who gets the largest vote is elected, even if his or her vote is less than half the total. The number of constituencies is changed after every census, by a *Redistribution Act* that allots parliamentary seats roughly on the basis of population. Every province must have at least as many members in

the Commons as it has in the Senate. The constituencies vary somewhat in size, within prescribed limits. The present distribution is as follows:

Area	*Seats*
Ontario	95
Quebec	75
British Columbia	28
Alberta	21
Manitoba	14
Saskatchewan	14
Nova Scotia	11
New Brunswick	10
Newfoundland and Labrador	7
Prince Edward Island	4
Northwest Territories	2
Yukon Territory	1
Total	282

Political parties

Our system could not work without political parties. Our major existing federal parties—Progressive Conservative, Liberal, and New Democratic—were not created by any law, though they are now recognized by the law. We, the people, have created them ourselves. They are voluntary associations of people who hold broadly similar opinions on public questions.

The party that wins the largest number of seats in the general election ordinarily forms the government. Its leader becomes prime minister. But if the government in office before an election comes out of the election with the second largest number of seats, it has the right to meet the new House of Commons and see whether it can get enough support from the minor parties to give it a majority. It may find itself able to carry on. This happened in 1925-26 and in 1972.

The second largest party (or, in the circumstances just described, the largest) becomes the official Opposition, and its leader becomes "the person holding the recognized position of leader of the Opposition". The leader of the Opposition gets the same salary as a minister. The leader of any party which has at least 12 seats also gets a higher salary than an ordinary member of Parliament (MP). These parties also get public money for research.

Why? Because we want criticism, we want watchfulness, we want the possibility of an effective alternative government if we are displeased with the one we have. The party system reflects the waves of opinion as they rise and wash through the country. There is much froth, but deep swells move beneath them, and they set the course of the ship.

The prime minister

As we have already noted, the prime ministership (premiership), like the parties, is not created by law, though it is recognized by the law. The prime minister is, normally, a member of the House of Commons (there have been two in the Senate, in 1891-92 and 1894-96). A non-member could hold the office but would, by custom, have to get elected to a seat very soon. If the prime minister loses his seat in an election, he can remain prime minister as long as his party keeps a majority in the House of Commons, though again, he must, by custom, win a seat very promptly. The traditional way of arranging this is to have a member of the majority party resign, thereby creating a vacancy, which gives the defeated prime minister or non-member party leader the opportunity to run in a by-election.

The prime minister is appointed by the governor general. Ordinarily, the appointment is automatic. If the Opposition wins more than half the seats in an election, or if the government is defeated in the House of Commons and resigns, the governor general must call on the leader of the Opposition to form a new government.

The prime minister used to be described as "the first among equals" in the Cabinet, or as "a moon among minor stars". This is no longer so. He is now incomparably more powerful than any of his colleagues. Not only does he choose them in the first place, but he can also ask any minister to resign, and if the minister refuses, the prime minister can advise the governor general to remove him and the advice would invariably be followed. Cabinet decisions do not necessarily go by majority vote. A strong prime minister, having listened to the opinions of all his colleagues, and finding most, or even all, opposed to his own view, may simply announce that his view is the policy of the government, and, unless his dissenting colleagues are prepared to resign, they must bow to his decision.

The Cabinet

As mentioned above, the prime minister chooses the members of the Cabinet. All of them must be or become members of the Queen's Privy Council for Canada. Privy councillors are appointed by the governor general on the advice of the prime minister, and membership is for life, unless a member is

dismissed by the governor general on the same advice, which has never happened. All Cabinet ministers and former Cabinet ministers, the chief justice of Canada and former chief justices and ex-speakers of both Houses are always members, and various other prominent citizens are made members simply as a mark of honour. The Privy Council as such meets only very rarely, on a few ceremonial occasions such as the accession of a new King or Queen. The Cabinet, "the Committee of the Privy Council", is the operative body.

By custom, almost all the members of the Cabinet must be members of the House of Commons, or, if not already members, must win seats. Since Confederation, 70 men who were not members of either House have been appointed to the Cabinet, but they had to get seats in the House or the Senate within a reasonable time, or resign from the Cabinet.... Senators can be members of the Cabinet: the first Cabinet, of 13 members, had 5 senators. But since 1911, *usually,** there has been only one Cabinet minister in the Senate, and that one without porfolio, the leader of the government in the Senate. Of course no senator can sit in the House of Commons, and no member of the House of Commons can sit in the Senate. But a minister from the House of Commons may, by invitation of the Senate, come to that chamber and speak, though not vote.

By custom, every province must, if possible, have at least one Cabinet minister. Of course, if a province does not elect any government supporters, this becomes difficult. But in that case, the prime minister may put a senator from that province into the Cabinet; or he may get some member from another province to resign his seat and then try to get a person from the "missing" province elected there. In 1921, the Liberals did not elect a single member from Alberta. The prime minister, Mr. King, solved the problem of Alberta representation in the Cabinet by appointing Hon. Charles Stewart, Liberal ex-premier of Alberta, and getting him elected for the Quebec constituency of Argenteuil. Whether Mr. King's ploy would work now is quite another question. The voters of today do not always look with favour upon outside candidates "parachuted" into their ridings. The smallest province, Prince Edward Island, has often gone unrepresented in the Cabinet for years at a stretch.

By custom also, Ontario and Quebec must have 10 or 12 ministers each, provided each province has elected enough government supporters to warrant such a number. By custom, at least one minister from Quebec must be

*Since the general election of 1979, there have been three or four senators in the Cabinet. The Conservatives, in 1979, elected very few MPs from Quebec, and the Liberals, in 1980, only two from the four Western provinces. So both parties had to eke out the necessary Cabinet representation for the respective provinces by appointing more senators to the Cabinet.

an English-speaking Protestant, and there must be at least one minister from the French-speaking minorities outside Quebec, normally from New Brunswick or Ontario, or both. It used to be necessary to have also at least one English-speaking (usually Irish) Roman Catholic minister, and in recent years Canada's multicultural nature has been reflected in Cabinet representation from Jewish and non-"English", non-"French", ethnic minorities.

The speakers

The speaker of the Senate is appointed by the Cabinet.

The speaker of the House of Commons is elected by the House itself, after each general election. He or she must be a member of the House. The speaker is its presiding officer, decides all questions of procedure and order, controls the House of Commons staff and is expected to be impartial, non-partisan, and as firm in enforcing the rules against the prime minister as against the humblest Opposition backbencher.

The speaker is, by custom, chosen from members of the party in power, though there are cases (the most recent in 1979) where a speaker of one party carried on after a change of government, and one (1957) where the government was ready to support a member from one of the minor parties. The speaker sometimes drops his or her membership in a party, and runs in the next general election as an independent. In both houses, by custom, the speakership alternates between French-speaking and English-speaking members, and in the House of Commons, if the speaker is English-speaking, the deputy speaker is French-speaking, and vice versa. The deputy speaker is sometimes chosen from the Opposition.

* * *

Provincial legislatures and municipal governments

Every province has a legislative assembly (there are no upper Houses) that is very similar to the House of Commons and transacts its business in much the same way. All bills must go through three readings, and receive royal assent by the lieutenant-governor. In the provinces, assent has been refused 28 times, the last in 1945, in Prince Edward Island. Members of the assembly are elected from constituencies established by the legislature, roughly in proportion to population, and whichever candidate gets the largest vote is elected, even if his or her vote is less than half the total.

Municipal governments—cities, towns, villages, counties, districts, metropolitan regions—are set up by the provincial legislatures, and have such powers as the legislatures see fit to give them. Mayors, reeves, and councillors are elected on such basis as the provincial legislature prescribes.

There are now close to 5 000 municipal governments in the country. They provide us with such services as water supply, sewage and garbage disposal, roads, sidewalks, street lighting, building codes, parks, playgrounds, libraries and so forth. Schools are generally looked after by school boards or commissions elected under provincial education acts.

* * *

Appendix I

Governors general of Canada since Confederation

		Assumed office
1.	Viscount Monck, G.C.M.G.	July 1, 1867
2.	Lord Lisgar, G.C.M.G.	Feb. 2, 1869
3.	The Earl of Dufferin, K.P., G.C.M.G., K.C.B.	June 25, 1872
4.	The Marquis of Lorne, K.T., G.C.M.G.	Nov. 25, 1878
5.	The Marquis of Lansdowne, G.C.M.G.	Oct. 23, 1883
6.	Lord Stanley of Preston, G.C.B.	June 11, 1888
7.	The Earl of Aberdeen K.T., G.C.M.G.	Sept. 18, 1893
8.	The Earl of Minto, G.C.M.G.	Nov. 12, 1898
9.	Earl Grey, G.C.M.G.	Dec. 10, 1904
10.	Field Marshal H.R.H. The Duke of Connaught, K.G.	Oct. 13, 1911
11.	The Duke of Devonshire, K.G., G.C.M.G., G.C.V.O.	Nov. 11, 1916
12.	General The Lord Byng of Vimy, G.C.B., G.C.M.G. M.V.O.	Aug. 11, 1921
13.	Viscount Willingdon of Ratton, G.C.S.I., G.C.I.E., G.B.E.	Oct. 2, 1926
14.	The Earl of Bessborough, G.C.M.G.	April 4, 1931
15.	Lord Tweedsmuir of Elsfield, G.C.M.G., G.C.V.O., C.H.	Nov. 2, 1935
16.	Major General The Earl of Athlone, K.G., P.C., G.C.B., G.C.M.G., G.C.V.O., D.S.O.	June 21, 1940
17.	Field Marshal the Rt. Hon. Viscount Alexander of Tunis, K.G., G.C.B., G.C.M.G., C.S.I., D.S.O., M.C., LL.D., A.D.C.	April 12, 1946
18.	The Rt. Hon. Vincent Massey, P.C., C.H.	Feb. 28, 1952
19.	General The Rt. Hon. Georges Philias Vanier, P.C., D.S.O., M.C., C.D.	Sept. 15, 1959
20.	The Rt. Hon. Daniel Roland Michener, C.C.	April 17, 1967
21.	The Rt. Hon. Jules Léger, C.C., C.M.M.	Jan. 14, 1974
22.	The Rt. Hon. Edward Richard Schreyer	Jan. 22, 1979

Note: The Honourable Jeanne Sauvé was appointed Canada's twenty-third governor general on December 23, 1983.

*Canadian prime ministers since 1867**

1.	Rt. Hon. Sir John A. Macdonald	July 1, 1867 to Nov. 5, 1873
2.	Hon. Alexander Mackenzie	Nov. 7, 1873 to Oct. 8, 1878
3.	Rt. Hon. Sir John A. Macdonald	Oct. 17, 1878 to June 6, 1891
4.	Hon. Sir John J. C. Abbott	June 16, 1891 to Nov. 24, 1892
5.	Rt. Hon. Sir John S. D. Thompson	Dec. 5, 1892 to Dec. 12, 1894
6.	Hon. Sir Mackenzie Bowell	Dec. 21, 1894 to April 27, 1896
7.	Rt. Hon. Sir Charles Tupper, Bart	May 1, 1896 to July 8, 1896
8.	Rt. Hon. Sir Wilfrid Laurier	July 11, 1896 to Oct. 6, 1911
9.	Rt. Hon. Sir Robert L. Borden	Oct. 10, 1911 to Oct. 12, 1917
10.	Rt. Hon. Sir Robert L. Borden**	Oct. 12, 1917 to July 10, 1920
11.	Rt. Hon. Arthur Meighen	July 10, 1920 to Dec. 29, 1921
12.	Rt. Hon. William Lyon Mackenzie King	Dec. 29, 1921 to June 28, 1926
13.	Rt. Hon. Arthur Meighen	June 29, 1926 to Sept. 25, 1926
14.	Rt. Hon. William Lyon Mackenzie King	Sept. 25, 1926 to Aug. 7, 1930
15.	Rt. Hon. Richard Bedford Bennett (became Viscount Bennett, 1941)	Aug. 7, 1930 to Oct. 23, 1935
16.	Rt. Hon. William Lyon Mackenzie King	Oct. 23, 1935 to Nov. 15, 1948

*Source: *Guide to Canadian Ministries since Confederation*, Public Archives of Canada.

**During his second period in office, Prime Minister Borden headed a coalition government.

17.	Rt. Hon. Louis Stephen St. Laurent	Nov. 15, 1948 to June 21, 1957
18.	Rt. Hon. John G. Diefenbaker	June 21, 1957 to April 22, 1963
19.	Rt. Hon. Lester B. Pearson	April 22, 1963 to April 20, 1968
20.	Rt. Hon. Pierre Elliott Trudeau	April 20, 1968 to June 4, 1979
21.	Rt. Hon. Charles Joseph Clark	June 4, 1979 to March 3, 1980
22.	Rt. Hon. Pierre Elliott Trudeau	March 3, 1980

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